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PATENT APPLICATION

Docket No: 10265.967

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TECHNICAL  
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PATENTS  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andy Swenson, et al.

Serial No: 09/849,611

Filed: May 4, 2001

For: SUSTAINED RELEASE  
COMPOSITIONS FOR ORALLY  
ADMINISTERED SUBSTANCES  
AND METHODS

Art Unit  
1615

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION

Honorable Commissioner of Patents  
& Trademarks  
Washington, D. C. 20231  
ATTENTION: Application Division, Special Handling Unit

Sir:

In response to the Notice to File Missing Parts of Application mailed July 2, 2001, please  
find enclosed herewith the following items for filing in the United States Patent and Trademark  
Office in connection with the above-identified patent application:

Honorable Commissioner of Patents  
and Trademarks

Page 2

- (1) a Declaration, Power of Attorney, and Petition executed by the inventor, James Wagstaff;
- (2) a Declaration, Power of Attorney, and Petition executed by the inventor, Andy Swenson;
- (3) an Assignment from the inventors, Andy Swenson and James Wagstaff to Nature's Way Products, Inc.;
- (4) a Petition for Extension of Time;
- (5) a copy of the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted;
- (6) Check No. 123356 in the amount of \$1,844.00 to cover the filing fee for the above-identified application; the recordation fee for the enclosed patent assignment; the surcharge fee pursuant to 37 C.F.R. § 1.16(e); and, the 2 month extension fee pursuant to 37 C.F.R. § 1.17. These fees have been calculated as follows:

Basic filing fee for a large entity	=	\$	710.00
Fee for independent claims (5 - 3 x \$80)	=	\$	160.00
Fee for total claims (43 - 20 x \$18)	=	\$	414.00
Assignment recordation fee	=	\$	40.00
Surcharge fee for a Large Entity	=	\$	130.00
Two Month Extension to File Response	=	\$	<u>390.00</u>
TOTAL	=	\$	<u><u>1,844.00</u></u>

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and Trademarks

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Please debit any additional fees, or credit any overpayment, to Deposit Account No. 23-3178.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 23-3178. Copies of this sheet are enclosed in triplicate.

☒ Any additional filing fees required under 37 C.F.R. § 1.16.

☒ Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178. Copies of this sheet are enclosed in triplicate.

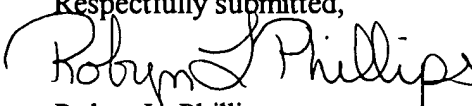
☒ Any patent application processing fees under 37 C.F.R. § 1.17.

☐ The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

☒ Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

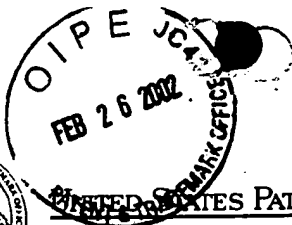
Please address all future correspondence in connection with this case to the attention of the undersigned.

Dated this 17<sup>th</sup> day of October, 2001.

Respectfully submitted,  
  
Robyn L. Phillips  
Attorney for Applicants  
Registration No. 39,330



022913



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/349,511	05/04/2001	Andy Swenson	10265-96.1

CONFIRMATION NO. 9485

FORMALITIES LETTER



\*OC000000006248591\*

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Date Mailed: 07/02/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$574.
  - \$414 for 23 total claims over 20.
  - \$160 for 2 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1414.

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/04/2002 J0DD01 00000173 233178 09049611  
01 FC:101 740.00 00  
02 FC:102 168.00 00  
03 FC:103 414.00 00  
04 FC:105 130.00 00

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